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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 **UNDER SEAL,**

Case No. CV 15 1188

14
15 **v.**

FILED UNDER SEAL
Pursuant to 31 U.S.C. § 3730(b)(2)

16
17 **UNDER SEAL.**
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14 **UNITED STATES OF AMERICA and**
15 **STATE OF CALIFORNIA, *ex rel.***
16 **DEBORAH CULLEN,**

17 Plaintiff and Relator,

18 v.

19 **ASSOCIATION OF BEHAVIOR**
20 **CONSULTANTS, WILLIAM J. PALYO,**
21 **and DOES 1-20,**

22 Defendants.
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Case No. CV 15 1188

FILED UNDER SEAL
Pursuant to 31 U.S.C. § 3730(b)(2)

STATE OF CALIFORNIA'S NOTICE OF
INTENT TO DECLINE

1 Pursuant to the California False Claims Act ("CFCA"), California Government Code
2 section 12652, subdivision (c)(6)(B), the California Attorney General's Office ("CAGO") notifies
3 the Court of its decision not to intervene in the above-captioned action. Although the CAGO
4 declines to intervene, it remains a real party in interest in this action.

5 The CAGO requests that it receive notice of any proposed settlement or dismissal of these
6 actions by the parties. The CAGO respectfully refers the Court to California Government Code §
7 12652(c)(1), which states that, once filed, a false claims action:

8 may be dismissed only with the written consent of the court and the Attorney
9 General..., taking into account the best interests of the parties involved and the
public purposes behind this act.

10 Therefore, the CAGO requests that, should either the relators or defendants propose that
11 this action be dismissed, settled, or otherwise discontinued, this Court provide the CAGO with
12 notice and an opportunity to provide written consent before ruling or granting its approval. In
13 addition, the CAGO has the continuing authority to file a motion seeking to intervene in, dismiss,
14 or settle this action. Cal. Gov't Code §§ 12652(e)(2) and (f)(2)(A).

15 Under the CFCA, upon request from the state, the CAGO shall be served with copies of all
16 pleadings filed in an action in which it declined to intervene, and supplied with copies of all
17 deposition transcripts. Cal. Gov't Code § 12652(f)(1). Accordingly, the CAGO hereby requests
18 that all pleadings filed in the above-captioned action, as well as copies of all deposition
19 transcripts, be served on the CAGO, and that orders issued by the Court be sent to the CAGO.
20 The CAGO further requests that it receive any notice or petition initiating any appeal and each
21 paper and brief filed in the appeal. *See* Cal. Gov't Code § 12656.

1 Dated: August 1, 2016

Respectfully Submitted,

2 KAMALA D. HARRIS
3 Attorney General of California
4 FREDERICK W. ACKER
5 Supervising Deputy Attorney General



6 SUNEETA D. FERNANDES
7 Deputy Attorney General
8 *Attorneys for the State of California*

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10 Cullen Notice of Declination.doc

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Cullen v. Association of Behavior Consultants (Under Seal)**
No.: **CV 15 1188**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On August 1, 2016, I served the attached **State of California's Notice of Intent to Decline** by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Daniel R. Bartley, Esq.
Pruneyard Towers
1999 S. Bascom Avenue Ste 700
Campbell CA 95008

Ann Marie Reding, Esq.
Assistant United States Attorney
450 Golden Gate Avenue Box 36055
San Francisco CA 94102-3495

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on August 1, 2016, at San Francisco, California.

Bethsaida G. Rico

Declarant



Signature